

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASEY C. BERTO,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. C24-1491-JHC-MLP

ORDER

Having reviewed Petitioner's application to proceed *in forma pauperis* (IFP) and petition for writ of habeas corpus, Dkt. # 1, the Report and Recommendation (R&R) of the Honorable Michelle L. Peterson, United States Magistrate Judge, Dkt. # 4, and the remaining record, the Court finds and ORDERS:

(1) Petitioner did not file an objection to the R&R. And the Court agrees with the R&R that Petitioner has not exhausted his state court remedies. *See also* Dkt. # 3 at 2. Thus, the Court ADOPTS the R&R.

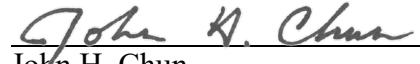
(2) Petitioner's petition for writ of habeas corpus (Dkt. # 1-1) and this action are DISMISSED without prejudice for failure to exhaust state court remedies.

(3) Petitioner's IFP application (dkt. # 1) is DENIED as moot.

1 (4) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
2 United States District Courts, a certificate of appealability is DENIED.

3 (5) The Clerk is directed to send copies of this Order to Petitioner and to Judge
4 Peterson.

5 Dated this 13th day of December, 2024.

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8 John H. Chun
United States District Judge
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